

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD GRAY,

Petitioner,

-against-

U.S. HOMELAND SECURITY, BUREAU OF
IMMIGRATION AND CUSTOMS ENFORCEMENT,
201 VARICK STREET, 11TH FLOOR
VARICK FEDERAL DETENTION CENTER,
NEW YORK, NY 10014,

Respondent.
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

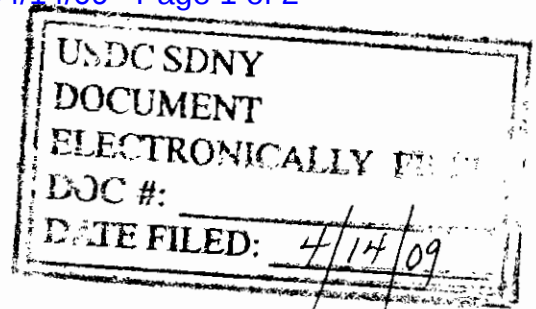
My March 20, 2009 Memorandum and Order said, in part:

1. Respondent shall serve and file an answer or motion no later than May 1, 2009.
2. No later than May 21, 2009, Mr. Gray shall serve and file a reply (with a courtesy copy to me) and a signed certification that he mailed a copy to Ms. Reddy.
3. If Mr. Gray has any change in his mailing address, he must, within 5 business days, send written notice to me and to the attorney for Respondent.

Copies of the order were mailed to Mr. Gray at the Varick Federal Detention Center. On March 31, 2009, the United States Postal Service returned Mr. Gray's copy; the envelope was stamped "Return to Sender, Not here at VFDC." After receiving the returned order, my law clerk asked AUSA Reddy to locate Mr. Gray.

On April 2, 2009, AUSA Reddy told my law clerk that Mr. Gray had been released (under supervision) from the Federal Detention Center, and that his new address is 253-14 147th Road, Rosedale, New York 11422. She also said that Mr. Gray informed ICE that his phone number is 718-276-1122, but that he has not returned repeated calls to that number.

On April 10, 2009, AUSA Reddy faxed me a copy of the March 12, 2009 Department of Homeland Security's Order of Supervision



09 Civ. 00748 (JSR) (DFE)

(This is not an ECF case)

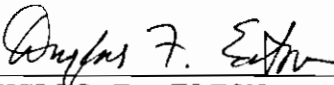
MEMORANDUM AND ORDER

for Mr. Gray.

I direct Mr. Gray to write a letter to me stating whether he still wishes to pursue his habeas corpus petition. His letter must be mailed to me (and a copy must be mailed to AUSA Reddy) on or before April 24, 2009.

I am sending Mr. Gray another copy of my March 20, 2009 Memorandum and Order. The dates set forth at ¶ 1 and at ¶ 2 remain in effect. On May 1, 2009, AUSA Reddy will mail an answer or motion to Mr. Gray. No later than **May 21, 2009**, Mr. Gray must serve and file a reply (with a courtesy copy to me) and a signed certification that he mailed a copy to Ms. Reddy.

Mr. Gray is required to give prompt written notice, to the Pro Se Office, and to AUSA Reddy, and to my chambers, about each change of his mailing address. Failure to do so may result in a dismissal of his lawsuit.



DOUGLAS F. EATON
United States Magistrate Judge
Room 1360, U.S. Courthouse
500 Pearl Street
New York, NY 10007
Telephone: (212) 805-6175

Dated: New York, New York
April 14, 2009

Copies of this Memorandum and Order are being mailed to:

Richard Gray
253-14 147th Road
Rosedale, NY 11422

Kirti V. Reddy, Esq.
Assistant U.S. Attorney
86 Chambers Street
New York, NY 10007

Pro Se Office
U.S. Courthouse
500 Pearl Street, Room 230
New York, NY 10007

Hon. Jed S. Rakoff